



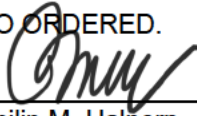
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Application granted. The parties shall file their *Cheeks* submission, including the settlement agreement, joint letter, and proposed order, by 2/9/2023. The time for the parties to file the pretrial submissions as directed in the Court's 11/9/2022 order (Doc. 31) is *sua sponte* extended from 1/31/2023 to 2/9/2023.

SO ORDERED.


Philip M. Halpern
United States District Judge

Dated: White Plains, New York
January 26, 2023

Via ECF:

The Honorable Philip M. Halpern, U.S.D.
United States District Court
Southern District of New York
Hon. Charles L. Brieant Jr. Federal Building
300 Quarropas Street
White Plains, NY 10601

Re: **Torres et al v. Capcon Construction Industries Corp. et al.**
Civil Docket No.: 7:21-cv-06771 (PMH)

Dear Judge Halpern:

We represent the four Plaintiffs, Julio Torres, Oscar Martinez, Sergio Morales, and Jesus Salvador ("Plaintiffs") in this FLSA action, and we respectfully submit this letter motion, together with counsel for the Defendants, to respectfully request an extension of time for the parties to submit their settlement agreement and motion for settlement approval pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015) ("Settlement Agreement").

On December 21, 2022, the parties advised the Court that the parties have reached a settlement-in-principle on all claims asserted herein, and in doing so, the parties asked the Court for until January 23, 2023 to file their Settlement Agreement. *See* Dkt. No. 32. The Court granted the parties' request, and directed the parties to file their *Cheeks* submission, Settlement Agreement, joint letter and proposed order by January 23, 2023. *See* Dkt. No. 33. We apologize for overlooking this deadline as our office was preparing for trial and on trial before The Hon. Judge Steven I. Locke in the Eastern District of New York on January 23, 2023 and January 24, 2023.

On January 24, 2023, the Court *sua sponte* extended the parties' deadline to submit these documents until no later than 5:00 p.m. on January 26, 2023. *See* Dkt. No. 34.

The parties are still in the process of preparing and finalizing the settlement documents for the Court's review.

The parties reasonably anticipate two (2) weeks to be sufficient time to complete this process, and have all of the above documents filed for the Court's review.

As such, we request a two-week extension of time to submit the parties' Settlement Agreement, and related documents to the Court. As stated above, both Defendants' counsel has consented to this request. This is the first such request made by the parties, and if granted, the parties can file on or before February 9, 2023. This request will not affect any other dates or deadlines.

We thank the Court for its kind consideration, and we remain available to provide any additional information.

Respectfully submitted,

/s/
Roman Avshalumov, Esq.